

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BAKER,

Plaintiff,

No. CIV S 05-0249 MCE KJM

vs.

METROPOLITAN LIFE INSURANCE  
COMPANY, et al.,

Defendants.

ORDER

Plaintiff's motion to compel further responses to interrogatories and production of documents came on regularly for hearing February 1, 2006.<sup>1</sup> Jeffrey Metzger appeared for plaintiff. Alfred Sanderson appeared for defendant. Upon review of the documents in support and opposition, upon hearing the arguments of counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

In the circumstances of this case, the court finds discovery should be allowed regarding the apparent conflict between defendant's role as administrator and as the funding

<sup>1</sup> For the first time, at oral argument and after full discussion of the merits of plaintiff's motion, defendant asserted plaintiff's motion was untimely. For purposes of resolving the pending motion, this court finds plaintiff's motion was timely brought and will not entertain objections to production of the discovery ordered herein on the ground that compliance with the court's order cannot be made prior to the discovery cut-off.

1 source of the ERISA disability benefit plan at issue. Cf. Tremain v. Bell Industries, Inc., 196  
2 F.3d 970, 976-77 (9th Cir. 1999) (evidence outside administrative record may be considered by  
3 district court in determining standard of review as threshold matter). With two exceptions, the  
4 discovery sought is narrowly tailored to obtain information related to the apparent conflict, which  
5 is undisputed. Accordingly, within twenty days from the date of this order, defendants shall  
6 provide further responses to the interrogatories and produce, for copying and inspection,  
7 documents responsive to the request for production of documents. With respect to document  
8 request numbers 1 and 4, defendants' production may be limited to responsive documents that  
9 were in effect during the entire period of review leading up to and including termination of  
10 Plaintiff's benefits.

11 DATED: February 2, 2006.

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14 UNITED STATES MAGISTRATE JUDGE  
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